

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE:

PICCADILLY RESTAURANTS, LLC,
ET AL.,

DEBTORS

* CASE NO. 12-51127
*
* (JOINT ADMINISTRATION)¹
*
* CHAPTER 11
*
* JUDGE ROBERT SUMMERHAYS

**DEBTORS' SEVENTEENTH OMNIBUS OBJECTION TO CLAIMS PURSUANT TO
SECTIONS 105 AND 502(B) OF THE BANKRUPTCY CODE AND RULES 3001, 3003,
AND 3007 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

THIS OBJECTION SEEKS TO DISALLOW AND EXPUNGE CERTAIN
FILED PROOFS OF CLAIM. CLAIMANTS RECEIVING THIS
OBJECTION SHOULD LOCATE THEIR NAMES AND CLAIMS ON THE
EXHIBIT ATTACHED TO THIS OBJECTION.

NOW IN COURT, through undersigned counsel, come the above-captioned debtors and debtors-in-possession (collectively, the "Debtors"),² who submit this Seventeenth Omnibus Objection to Claims Pursuant to Sections 105 and 502(b) of the Bankruptcy Code and Rules 3001, 3003, and 3007 of the Federal Rules of Bankruptcy Procedure (this "Objection"). In support of this Objection, the Debtors state as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

¹ Jointly administered with *In re Piccadilly Food Service, LLC*, 12-51128 (Bankr. W.D. La. 2012), and *In re Piccadilly Investments, LLC*, 12-51129 (Bankr. W.D. La. 2012).

² The debtors in these Chapter 11 cases include Piccadilly Restaurants, LLC ("Restaurants"), Piccadilly Food Service, LLC, and Piccadilly Investments, LLC.

BACKGROUND

2. On September 11, 2012 (the "Petition Date"), the Debtors filed a petition for relief under chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code"). The Debtors are operating their businesses and managing their properties as debtors-in-possession pursuant to Bankruptcy Code §§ 1107 and 1108.

3. No trustee or examiner has been appointed. An Official Committee of Unsecured Creditors was appointed in these Chapter 11 cases on October 23, 2012 (the "Unsecured Creditors' Committee").

4. The Debtors are jointly administrated pursuant to Bankruptcy Code § 105(a) and Bankruptcy Rule 1015(b). The statutory predicates for the relief requested herein are §§ 105(a) and 502(b) of the Bankruptcy Code.

RELIEF REQUESTED

5. The Debtors have examined the proofs of claim identified on Exhibit A (the "Claims") hereto filed by certain entities and have determined that the proofs of claim listed under the heading "*Claims to be Disallowed and Expunged*" (collectively, the "Claims") are not valid because the Debtors' books and records indicate that the Debtors have no outstanding payment obligations to the creditors asserting those Claims. There are no accounts payable in favor of those creditors. Thus, the Debtors pray herein that the Claims be disallowed and expunged in their entirety. The Debtors reserve all their rights to object on any other basis to any Claim.

LEGAL STANDARD

6. A filed proof of claim is "deemed allowed, unless a party in interest . . . objects." 11 U.S.C. § 502(a). If an objection refuting at least one of the claim's essential allegations is asserted, the claimant has the burden to demonstrate the validity of the claim. *See In re Fidelity*

Holding Co., 837 F.2d 696, 698 (5th Cir. 1988).

7. Section 502(b)(1) of the Bankruptcy Code provides, in relevant part, that a claim may not be allowed to the extent that “such a claim is unenforceable against the debtor and property of the debtor under any agreement or applicable law.” 11 U.S.C. § 502(b)(1). The Debtors have carefully analyzed the proofs of claim identified on Exhibit A, as well as their books and records, and the Debtors cannot find any records indicating any amount is currently owed to the creditors asserting these Claims. Accordingly, the Claims should be disallowed and expunged, since the absence of supporting documentation in the Debtors’ books and records indicates that the Claim amounts are no longer owed by the Debtors to the respective creditors.

8. Accordingly, to avoid the possibility of improper recovery against the Debtors’ estates and for the benefit of the proper creditors of the Debtors, the Debtors request that the Court disallow and expunge each Claim identified in Exhibit A. Furthermore, the Debtors reserve all their rights to object to any Claim on any other basis.

NOTICE

9. Notice of this Objection has been provided to each claimant asserting a Claim as identified on Exhibit A, and to (a) the secured creditor, through Atalaya Administrative, LLC, and its counsel of record, Brent R. McIlwain and David F. Waguespack, (b) the 30 largest unsecured creditors, the identity of which may be amended from time to time, (c) the twenty (20) additional random unsecured creditors, (d) all parties who have requested special notice pursuant to Bankruptcy Rule 2002, (e) counsel for the Unsecured Creditors’ Committee, and (f) the Office of the United States Trustee. The Debtors submit that no further notice is necessary for this Court to enter an Order granting the relief requested herein.

WHEREFORE, the Debtors pray that the Court enter an Order in the form attached as Exhibit B, (a) granting this Objection, (b) disallowing and expunging each Claim identified in

Exhibit A in its entirety, and (c) granting such other general and equitable relief as is just and proper.

Respectfully submitted,

/s/ Patrick L. McCune

R. PATRICK VANCE (#13008)

ELIZABETH J. FUTRELL (#05863)

MARK A. MINTZ (#31878)

TYLER J. RENCH (#34049)

Jones Walker LLP

201 St. Charles Avenue, 51st Floor

New Orleans, Louisiana 70170

Telephone: (504) 582-8000/ Direct: (504) 582-8194

Direct Facsimile: (504) 589-8194

Email: pvance@joneswalker.com

Email: efutrell@joneswalker.com

Email: mmintz@joneswalker.com

Email: trench@joneswalker.com

AND

PATRICK L. McCUNE (#31863)

Jones, Walker, Waechter, Poitevent,

Carrère & Denègre, L.L.P.

Four United Plaza

8555 United Plaza Blvd.

Baton Rouge, Louisiana 70809

Telephone: (225) 248-2150

Facsimile: (225) 248-3350

Email: pmccune@joneswalker.com

Attorneys for Piccadilly Restaurants, LLC,

Piccadilly Food Service, LLC, and

Piccadilly Investments, LLC

EXHIBIT A

EXHIBIT A

Claims to be Disallowed and Expunged

Affected Claim Number(s)	Claimant Name	Original Claim Amount
49	FRANCISCO BLANCO, PL	\$ 13,861.00
244	STATE OF FLORIDA - DEPT OF REVENUE	\$ 69,594.91
281	CARPENTER ENTERPRISES INC.	\$ 123.32

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

IN RE:

**PICCADILLY RESTAURANTS, LLC,
ET AL.,**

DEBTORS

* **CASE NO. 12-51127**
*
* **(JOINT ADMINISTRATION)³**
*
* **CHAPTER 11**
*
* **JUDGE ROBERT SUMMERHAYS**

**ORDER GRANTING DEBTORS' SEVENTEENTH OMNIBUS
OBJECTION TO CLAIMS**

Considering the *Seventeenth Omnibus Objection to Claims Pursuant to Sections 105 and 502(b) of the Bankruptcy Code and Rules 3001, 3003, and 3007 of the Federal Rules of Bankruptcy Procedure* (the "Objection") (Dkt. No. __), filed on behalf of Debtors and Debtors-

³ Jointly administered with *In re Piccadilly Food Service, LLC*, 12-51128 (Bankr. W.D. La. 2012), and *In re Piccadilly Investments, LLC*, 12-51129 (Bankr. W.D. La. 2012).

in-possession (collectively, the “Debtors”),⁴ and upon the record of these chapter 11 cases and due deliberation thereon, and good and sufficient cause appearing therefor,

IT IS ORDERED that the Objection is SUSTAINED;

IT IS FURTHER ORDERED that each claim identified in Exhibit A to the Objection is disallowed and expunged in its entirety; and

IT IS FURTHER ORDERED that this Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

###

This Order was prepared and is being submitted by:

R. PATRICK VANCE (#13008)
ELIZABETH J. FUTRELL (#05863)
MARK A. MINTZ (#31878)
TYLER J. RENCH (#34049)
Jones Walker LLP
201 St. Charles Avenue, 51st Floor
New Orleans, Louisiana 70170
Telephone: (504) 582-8000 / Direct: 582-8194
Direct Facsimile: (504) 589-8194
Email: pvance@joneswalker.com
Email: efutrell@joneswalker.com
Email: mmintz@joneswalker.com
Email: trench@joneswalker.com

AND

PATRICK L. McCUNE (#31863)
Jones, Walker, Waechter, Poitevent,
Carrère & Denègre, L.L.P.
Four United Plaza
8555 United Plaza Blvd.
Baton Rouge, Louisiana 70809
Telephone: (225) 248-2150
Facsimile: (225) 248-3350
Email: pmccune@joneswalker.com

⁴ The debtors in these Chapter 11 cases include Piccadilly Restaurants, LLC, Piccadilly Food Service, LLC, and Piccadilly Investments, LLC.

**Attorneys for Piccadilly Restaurants, LLC,
Piccadilly Food Service, LLC, and
Piccadilly Investments, LLC**